

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA

In re: ) Case No. 16-12007  
Rita Faye Shaver, ) Honorable Dana L. Rasure  
Debtor. ) Chapter 13

**AMENDED MOTION FOR RELIEF FROM THE AUTOMATIC STAY OF 11 U.S.C. § 362(A) AND NOTICE OF OPPORTUNITY FOR HEARING**

COMES NOW Secured Creditor, Reverse Mortgage Solutions, Inc., by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d) and 554, for a modification of the automatic stay and abandonment provisions for cause, and, in support thereof, states the following:

1. Debtor, Rita Faye Shaver, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on November 3, 2016.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), 11 U.S.C. § 554, Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On July 30, 2012, Debtor executed and delivered a Promissory Note (“Note”) and a Deed of Trust (“Mortgage”) securing payment of the Note up to the maximum principle amount of \$178,500.00 to Mortgage Electronic Registration Systems, Inc. The Mortgage was recorded on August 14, 2012 as Instrument Number 2012079437 of the Public Records of Tulsa County, Oklahoma. The loan was transferred to Secured Creditor. True and accurate copies of documents establishing a perfected security interest and ability to enforce the terms of the Note are attached hereto as Composite Exhibit “A.” The documents include copies of the Note with any required indorsements, Recorded Mortgage, Assignment(s) of Mortgage, and any other applicable documentation.

4. The Mortgage provides Secured Creditor a lien on the real property located in Tulsa County, Oklahoma, and legally described as Exhibit "A". The property address is known as 7372 S. 69th East Avenue, Tulsa, OK 74133.

5. The terms and conditions of the Note and Reverse Mortgage were in default and remain in post-petition default. The terms and conditions of the Note and Mortgage are in default due to failure to perform an obligation under the mortgage by failing to maintain post-petition property taxes and insurance in the amount of \$2,258.69.

Date	Type	Amount	Effective Dates
12/22/2016	Taxes	653.00	2016 Tulsa County
12/29/2017	Taxes	653.00	2016 Tulsa County
10/24/2017	Hazard Insurance	952.69	10/18/2017 - 10/18/2018
	<b>Total:</b>	<b>2,258.69</b>	

6. Secured Creditor is due the following amount as of August 8, 2017: \$121,219.44. A copy of the payoff is annexed hereto and made a part hereof as Exhibit "C".

7. According to Tulsa County Assessor, the appraised value of the property is \$101,817.00. *See* Exhibit "D" which is attached hereto and permissible as a property valuation under Fed. R. Evid. 803(8). There is no equity in the property for the benefit of the estate and therefore Secured Creditor requests the property be abandoned as of inconsequential value to the estate.

8. Based upon the Debtor's Plan, Debtor provides for a cure of the pre-petition arrears.

9. Secured Creditor's security interest in the subject property is being significantly jeopardized by Debtor's failure to comply with the terms of the subject loan documents while Secured Creditor is prohibited from pursuing lawful remedies to protect such interest. Secured Creditor has no protection against the erosion of its collateral position and no other form of adequate protection is provided.

10. If Secured Creditor is not permitted to enforce its security interest in the collateral or be provided with adequate protection, it will suffer irreparable injury, loss, and damage.

11. Secured Creditor respectfully requests the Court grant it relief from the Automatic Stay in this cause pursuant to §362(d)(1) of the Bankruptcy Code, for cause, namely the lack of adequate protection to Secured Creditor for its interest in the above stated collateral. The value of the collateral is insufficient in and of itself to provide adequate protection which the Bankruptcy Code requires to be provided to the Secured Creditor. Secured Creditor additionally seeks relief from the Automatic Stay pursuant to §362(d)(2) of the Bankruptcy Code, as the collateral is unnecessary to an effective reorganization of the Debtor's assets.

12. Secured Creditor has incurred court costs and attorney's fees in this proceeding and will incur additional fees, costs and expenses in foreclosing the Mortgage and in preserving and protecting the property, all of which additional sums are secured by the lien of the mortgage. Secured Creditor seeks an award of its reasonable attorneys' fees and costs, or alternatively, leave to seek recovery of its reasonable attorneys' fees and costs in any pending or subsequent foreclosure proceeding.

**NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document.** If you do not want the court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the clerk of the united states bankruptcy court for the northern district of Oklahoma, 224 South Boulder, Tulsa, Oklahoma 74103 no later than **14 days** from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant's attorney [and others who are required to be served] and file a certificate of service with the court. If no response or objection is timely filed, the court may grant the requested relief without a hearing or further notice. **The 14 day period includes 3 days allowed for mailing provided for in Fed. R. Bankr. P. 9006(f)**

**WHEREFORE**, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) and abandon the property from the estate under 11 U.S.C. § 554, to permit Secured Creditor to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, and to any such further relief as this Honorable Court deems just and appropriate.

RIEZMAN BERGER, P.C.

By: /s/Kathryn A. Klein  
Kathryn A. Klein, MO Bar #35874  
(Admitted District Court)  
7700 Bonhomme Avenue, 7th Floor  
St. Louis, MO 63105  
314- 727-0101 Telephone  
314-727-1086 Facsimile  
rb\_bank@riezmanberger.com  
Attorneys for Reverse Mortgage Solutions, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of November, 2017, a true and correct copy of the Amended Motion for Relief from the Automatic Stay was forwarded via U.S. Mail, first class, postage prepaid and properly addressed on the following at the addresses shown below:

Rita Faye Shaver Debtor  
7372 South 69th East Ave.  
Tulsa, OK 74133

And all Creditors on the attached List

and was electronically served using the CM/ECF system on:

Greggory T. Colpitts Attorney for Debtor

Lonnie D. Eck Chapter 13 Trustee

Office of the United States Trustee United States Trustee

By: /s/ Kathryn A. Klein  
Kathryn A. Klein MO Bar #35874  
7700 Bonhomme Avenue, 7<sup>th</sup> Floor  
St. Louis, MO 63105  
(314) 727-0101  
Attorneys for Reverse Mortgage Solutions

### LIST OF CREDITORS

And all Creditors on the attached List

ARVEST BANK  
P.O. BOX 11110  
FORT SMITH AR 72917-1110

AT&T  
c/o Enhanced Recovery Corp.  
P.O. Box 57547  
Jacksonville, FL 32241-7547

AT&T U-verse  
c/o IC Systems Collections  
P.O. Box 64378  
Saint Paul, MN 55164-0378

AARON'S INC.  
P.O. BOX 100039  
KENNESAW, GA 30156-9239

Aaron 's Inc.  
1015 Cobb Place Blvd.  
Kennesaw, GA 30144

Advance America  
7037 South Memorial Drive  
Tulsa, OK 74133-2037

All-Temp Solutions  
7902 East 15th Street  
Tulsa, OK 74112-7051

Ally  
P.O. Box 380902  
Bloomington, MN 55438-0902

Ally Financial  
P.O. Box 130424  
Roseville, MN 55113-0004

Ardmore Finance  
4419 E. 31<sup>st</sup> St.  
Tulsa, OK 74135-2130

ARVEST BANK  
ATTN : COLLECTIONS/BANKRUPTCY  
PO BOX 11110  
FORT SMITH, AR 72917

Arvest Bank  
P.O. Box 799  
Lowell, AR 72745

Baer & Timberlake P.C.  
P.O. Box 18486  
Oklahoma City, OK 73154-0486

Banner Finance of Broken Arrow  
536 S. Elm Pl.  
Broken Arrow, OK 74012-5325

Banner Loan  
536 South Elm Place  
Broken Arrow, OK 74012-5325

CHIEF OFC OF SPEC LITIGATION  
U.S. Dept. of Justice-Tax Div.  
P.O. Box 7238  
Washington, DC 20044-7238

CONSUMER CELLULAR  
C/O PROFESSIONAL CREDIT SERVICE  
P.O. BOX 7548  
SPRINGFIELD, OR 97475-0039

Central Bank of Oklahoma Attn: Chris Meyers  
8908 S. Yale  
Suite 100  
Tulsa, OK 74137-3501

Central Bank of Oklahoma  
P.O. Box 4500  
Jefferson City, MO 65102-4500

Consumer Cellular  
c/o Professional Credit Service  
400 International Way  
Springfield, OR 97477-7002

Customer Credit/Royal Management  
25331 W IH 10  
San Antonio, TX 78257-9506

Equifax Credit Information Services, Inc.  
P.O. Box 740241  
Atlanta, GA 30374-0241

Experian  
955 American Lane  
Schaumburg, IL 60173-4998

GE Capital Retail Bank  
c/o Portfolio Recovery Associates  
120 Corporate Blvd., Ste. 100  
Norfolk, VA 23502-4952

GMAC Inc., n/k/a Ally Financial Inc. (ALLY)  
Kivell, Rayment and Francis, P.C.  
c/o Michael J. George  
Triad Center I, Suite 550  
7666 E. 61<sup>st</sup> Street  
Tulsa, OK 74133-1143

Michael J. George  
Kivell, Rayment and Francis, P.C.  
Triad Center I, Suite 550  
7666 East 61<sup>st</sup> St.  
Tulsa, OK 74133-1136

Internal Revenue Service  
Centralized Insolvency Operation  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Jeanne M. Edwards, M.D.  
c/o Tulsa Adjustment Bureau  
1754 Utica Square  
Tulsa, OK 74114-1400

JEFFERSON CAPITAL SYSTEMS LLC  
P.O. BOX 7999  
SAINT CLOUD, MN 56302-7999

Jefferson Capital Systems, LLC  
P.O. Box 7999  
Saint Cloud, MN 56302-9617

Office of the United States Trustee  
224 South Boulder Avenue, Suite 225  
Tulsa, OK 74103-3026

Okla Empl. Sec. Comm.  
P.O. Box 53039  
Oklahoma City, OK 73152-3039

Oklahoma Tax Commission  
440 S. Houston, Ste. 501B  
Tulsa, OK 74127-8989

Oklahoma Tax Commission  
120 N. Robinson - Suite 2000W  
Oklahoma City, OK 73102-7801

OKLAHOMA TAX COMMISSION  
GENERAL COUNSEL'S OFFICE  
100 N BROADWAY AVE SUITE 1500  
OKLAHOMA CITY OK 73102-8601

Pay-Tek Solutions  
240 Glennis Drive  
Suite 401  
Murfreesboro, TN 37129-5159

Quantum3 Group LLC as agent for Sadino Fundi  
P.O. Box 788  
Kirkland, WA 98083-0788

SYNCB/QVC  
P.O. Box 965018  
Orlando, FL 32896-5018

Speedy Cash  
c/o AD Astra Recovery Services  
3611 North Ridge Road, Suite 104  
Wichita, KS 67205-1214

Melody V. Suess  
440 S. Houston, Ste. 501B  
Tulsa, OK 74127-8913

Surety Finance  
6390 B. 31<sup>st</sup> St., Ste. A  
Tulsa, OK 74135-5457

Synchrony Bank  
c/o PRA Receivables Management, LLC  
P.O. Box 41021  
NORFOLK, VA 23541-1021

TransUnion Consumer Solutions  
P.O. Box 2000  
Chester, PA 19022-2000

Tulsa Bone & Joint  
4802 S. 109<sup>th</sup> B Ave.  
Tulsa, OK 74146-5822

Tulsa County Treasurer  
500 S. Denver, Suite 323  
Tulsa, OK 74103-3840

Tulsa PT Consultants, LLC  
Dept. 340  
P.O. Box 21568  
Tulsa, OK 74121-1568

U.S. Attorney  
110 West Seventh Street Suite 300  
Tulsa, OK 74119-1013

U.S. SEC & EXCHANGE COMM.  
Midwest Regional Office  
175 W. Jackson Boulevard, Ste. 900  
Chicago, IL 60604-2815

Verizon Wireless  
P.O. Box 26055  
Minneapolis, MN 55426-0055

Your Credit  
2613 South Memorial Drive, Ste. C  
Tulsa, OK 74129-2645